

IN THE CIRCUIT COURT OF LAUDERDALE, MISSISSIPPI

**FILED**

SEP - 9 2021

*Donna J. Johnson*  
CIRCUIT CLERK

MELANIE WILLIAMS,  
INDIVIDUALLY and ON BEHALF OF  
ALYSSA HOLLIDAY, a Minor, and  
ISAIAH HOLLIDAY, a Minor AND  
AS THE WRONGFUL DEATH BENEFICIARIES,  
OF SPENCER DREW HOLLIDAY, DECEASED

PLAINTIFFS

VS.

CIVIL ACTION NO. 21-CV-112 (BB)

UNITED FREIGHT TRANSPORT, LLC, and  
OSCAR GALLARDO, INDIVIDUALLY

DEFENDANTS

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COMPLAINT  
JURY TRIAL DEMAND

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COMES NOW, Plaintiff, Melanie D. Williams, individually, and on behalf of the wrongful death beneficiaries of Spencer Drew Holliday, Deceased, by and through her attorney of record, and files this Complaint against the Defendants, United Freight Transport, LLC, and Oscar Gallardo, individually, and for cause, would show unto the Court the following facts, to-wit:

**PARTIES**

1.

That the Plaintiff, Melanie Williams, individually and on behalf of the wrongful death beneficiaries of Spencer Drew Holliday, Deceased, is an adult resident of Hinds County, Mississippi, now residing at 2357 Napoleon Avenue, Pearl, Mississippi 39208 and asserts that she is the spouse of Spencer Drew Holliday, deceased.

2.

That Melanie D. Williams, is the natural surviving wife of Spencer Drew Holliday from his death on August 8, 2020. Alyssa Holliday, a minor, and Isaiah Holliday, a minor, are the natural surviving children of the decedent, Spencer Drew Holliday and survived him on or about his death on August 8, 2020. Melanie D. Williams, Alyssa Holliday and Isaiah Holliday are the wrongful

death beneficiaries of Spencer Drew Holliday and are the proper parties to commence this action, and proper beneficiaries pursuant to the wrongful death statute.

3.

Defendant, United Freight Transport, LLC, is a foreign corporation whose principal place of business is in Laredo, Texas, and who may be served with process of service through its registered designated agent for process, Veronica Y. Sanchez, at 1000 Ranchway Drive #87, Laredo, Texas 78045.

4.

Defendant, Oscar Gallardo, is a citizen of the Country of Mexico, believed to currently reside at 12857 Chaucer Drive, El Paso, Texas 79928 and he may be served with process of this Honorable Court at this address pursuant to state law, via personal service as an operator and employee of United Freight Transport, LLC at the time this action accrued.

### **JURISDICTION AND VENUE**

5.

Jurisdiction and venue are proper in the Circuit Court of Lauderdale County Mississippi, as the collision that gives rise to this cause of action occurred in Lauderdale County, Mississippi.

### **FACTS**

6.

That on or about August 8, 2020, Decedent, Spencer Drew Holliday, was traveling in a 2012 Toyota Camry owned by himself and Plaintiff, Melanie Williams, in the westbound lane of Interstate 59. Plaintiff and her minor children were passengers in the car with the decedent driver. The other driver was operating a truck owned by United Freight Transport, LLC, and was traveling in the westbound lane of Interstate 59 when the left front of Decedent's vehicle collided with the

rear of the Defendant's vehicle. The collision occurred in the westbound lane of traffic and the actions of Defendant, Oscar Gallardo, were the sole and proximate cause of the collision.

7.

United Freight Transport, LLC, is a licensed and bonded freight shipping and trucking company running freight hauling business from Laredo, Texas. Individuals that are employed by this company to operate the motor vehicles and transport trucks. This joint enterprise causes independent negligence on behalf of United Freight Transport, LLC, specifically identifying causative conduct and/or negligence on behalf of United Freight Transport, LLC, as a provider of the vehicle in question.

**COUNT ONE – NEGLIGENCE**

8.

That the Plaintiff contends that the Defendants, United Freight Transport, LLC, and its employee, Oscar Gallardo, were jointly, severally and/or concurrently negligent and that such joint, several and/or concurrent negligence proximately caused or contributed to the collision and ultimately to the death of Spencer Drew Holliday.

9.

That the Defendant, United Freight Transport, LLC, is vicariously liable for the negligence of its employee, Oscar Gallardo, who was acting within the course and scope of his employment at the time of the collision.

10.

That the Defendant, Oscar Gallardo, while acting within the course and scope of his employment, was negligent in the following manner(s):

- a. Failing to control the movement and momentum of his commercial vehicle;

- b. In negligently failing to observe the vehicle in which plaintiff's decedent was riding and had the right of way;
- c. Operating the vehicle at a reckless speed and in violation of Safety Regulations as adopted by the State of Mississippi's Department of Transportation, pertaining generally to the operation of freights and trucks and particularly in adverse driving conditions;
- d. In violating certain Regulations and laws as adopted by the State of Mississippi which amounts to negligence per se;
- e. Failing to keep proper lookout;
- f. Failure to make a last chance maneuver to avoid veering into Decedent's lane of travel;
- g. In willfully and wantonly operating the truck in such a manner as to evidence a willful reckless disregard for the rights of the traveling public and a willful disregard of the state law;
- h. Failure to have proper training to operate a commercial tractor trailer; and
- i. For other acts of negligence to be shown at the trial herein.

11.

That at all times complained of herein the Defendants were negligent in one or more of the following aspects which caused or proximately contributed to the death of Spencer Drew Holliday and injuring Melanie D. Williams, and her minor children:

- a. Failing to properly maintain and secure the truck which struck the Plaintiff's decedent's vehicle;



- b. In violation of statutes, regulations, and law as adopted by the State of Mississippi, pertaining generally to the operation of motor vehicles and trucks particularly in said driving conditions;
- c. Failing to adequately provide its employee with proper training necessary to operate the vehicle in a safe and lawful manner.

12.

Plaintiff would show that at all times relevant hereto, the Defendant, along with Defendant driver, were not licensed through or subject to applicable state law governing commercial drivers' license. At all times complained of herein, the Defendant disregarded applicable state law.

13.

Plaintiff further acknowledges other significant violations and reckless action on part of the Defendants, regarding the condition of the truck. Plaintiff further reserves the right to amend these allegations as continued investigation and discovery is ongoing. Said actions amount to gross negligence.

14.

Defendant, United Freight Transport, LLC, has independent liability, separate and distinct from that of the remaining Defendant. United Freight Transport, LLC, is in the specialized business of shipping and trucking and employees individuals to operate their motor vehicles. In this case, United Freight Transport, LLC, provided a 2014 Truck Tractor manufactured by International. United Freight Transport, LLC, knew that their employees would be utilizing this truck to drive long distances in potentially dangerous conditions.

**COUNT TWO**

**CAUSATION AND DAMAGES**

15.

Plaintiff re-alleges and incorporates by reference all of the above allegations contained in this Complaint and would further allege and show that the actions of the Defendants herein, as complained above, were the proximate cause or proximate contributing cause of the injuries including decapitation which ultimately lead to the death of Plaintiffs' decedent, Spencer Drew Holliday.

16.

As the direct and proximate result of the combined and/or concurrent acts and omissions of the Defendant and its employee, Plaintiff, Melanie D. Williams, has suffered personal physical injuries including, but not limited to her head, neck, back, shoulder and hand. Plaintiff has also endured past, present, and future medical expenses (including drug expenses). Plaintiff has also suffered the loss of association, love, affection, loss of the enjoyment of life, mental pain and suffering of Plaintiff and Decedent, emotional distress, survival claims, medical, funeral/burial expenses and all other damages allowed under the Wrongful Death Act as set forth in the Mississippi Code of 1972 Annotated as Amended, and other claims as allowable for the actions aforesaid pursuant to Mississippi law.

17.

As a direct and proximate result of the combined and/or concurrent acts and omissions of the Defendant and its employee, Plaintiff, Alyssa Holliday, a minor, has suffered personal physical injuries including, but not limited to her head and body as a whole. Plaintiff has also endured, past, present, and future medical expenses (including drug expenses). Plaintiff has also suffered loss of association, love, affection, and loss of enjoyment of life, mental pain and suffering, emotional

distress, survival claims, medical, funeral/burial expenses and all other damages allowed under the Wrongful Death Act as set forth in the Mississippi Code of 1972 Annotated as Amended, and other claims as allowable for the actions aforesaid pursuant to Mississippi law.

18.

As a direct and proximate result of the combined and/or concurrent acts and omissions of the Defendant and its employee, Plaintiff, Isaiah Holliday, a minor, has suffered personal physical injuries including, but not limited to his head, face and body as a whole. Plaintiff has also endured, past, present, and future medical expenses (including drug expenses). Plaintiff has also suffered the loss of association, love, affection, and loss of enjoyment of life, mental pain and suffering, emotional distress, survival claims, medical, funeral/burial expenses and all other damages allowed under the Wrongful Death Act as set forth in the Mississippi Code of 1972 Annotated as Amended, and other claims as allowable for the actions aforesaid pursuant to Mississippi law.

**COUNT THREE**

**WANTON, RECKLESS, MALICIOUS OR WRONGFUL  
CONDUCT IN GROSS DISREGARD FOR OTHERS RIGHTS**

19.

Plaintiff re-adopts, re-alleges and incorporates each and every allegation set forth in the paragraphs preceding herein and makes the same a part of this Count.

20.

Plaintiff contends Defendants were grossly negligent as previously stated in this Complaint which includes reckless operation while driving. Moreover, the Defendants were in blatant violation of regulations adopted by the State of Mississippi which caused or contributed to the death of Spencer Drew Holliday and for which punitive damages should be awarded. Such actions/inactions and gross negligence place for traveling public at an extreme risk and therefore punitive damages, as allowed by law, should be awarded to prevent such occurrences in the future.

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff, Melanie Williams, Individually and on behalf of the Wrongful Death Beneficiaries of Spencer Drew Holliday, Deceased, demand judgment of and from the Defendants, United Freight Transport, LLC, and Oscar Gallardo, individually, in an amount for actual and punitive damages to be determined by a jury along with pre-judgment and post-judgment interest, as well as attorney fees and all costs of this action.

THIS the 5 day of Sept, 2021.

RESPECTFULLY SUBMITTED,

**MELANIE WILLIAMS,  
INDIVIDUALLY and ON BEHALF OF  
WRONGFUL DEATH BENEFICIARIES  
OF SPENCER DREW HOLLIDAY,  
DECEASED**

BY: 

JOHN HUNTER STEVENS (MSB#8528)

**OF COUNSEL:**  
**GRENFELL & STEVENS**  
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Jackson, MS 39236-6570  
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Telephone: (601) 948-6822  
Facsimile: (601) 968-8621



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SUMMONS TO COMPLAINT

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THE STATE OF MISSISSIPPI  
COUNTY OF LAUDERDALE

TO: Veronica Y Sanchez  
*Registered agent for United Freight Transport, LLC*  
1000 Ranchway Dr # 87  
Laredo, Texas 78045

NOTICE TO DEFENDANT

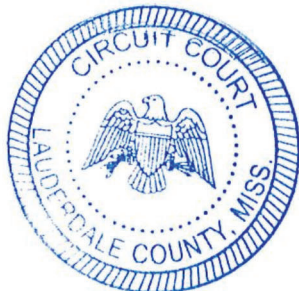
THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS  
IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR  
RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint  
to **JOHN STEVENS**, the attorney for the Plaintiffs, whose address is 1535 Lelia Drive, Jackson,  
Mississippi 39216.

Your response must be mailed or delivered within thirty (30) days from the date of  
delivery of this summons and complaint or a judgment by default will be entered against you for  
the money or other things demanded in the Complaint.

You must file the original of your response with the Clerk of this Court within a  
reasonable time afterward.

Issued under my hand and the seal of said Court, this, the 9<sup>th</sup> day of September, 2021.



DONNA JILL JOHNSON, CLERK  
LAUDERDALE COUNTY  
CIRCUIT COURT

BY: Renee R. Lovett, D. C.

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**COPY**

*process to 4th*

2/013

2/06

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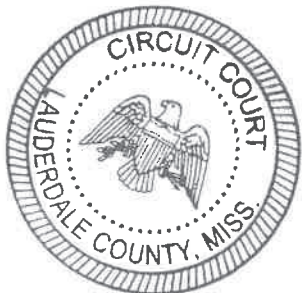
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DONNA JILL JOHNSON, CLERK  
LAUDERDALE COUNTY  
CIRCUIT COURT

BY: Renée R. Covert, D. C.  
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**PROOF OF SERVICE - Summons**

Name of Person or Entity Served

I, the undersigned, served the Summons and Complaint upon the person or entity named above in the manner set forth below:

☒ I personally delivered copies of the Summons and Complaint on the 19 day of January, 2021. Maria Banda - Safety manager 10:15 AM

☐ I personally delivered copies of the Summons and Complaint on the \_\_\_\_ day of \_\_\_\_\_, 2021, by United States Mail, Postage Prepaid, Certified, Return Receipt Requested.

☐ After exercising reasonable diligence I was unable to deliver copies of the Summons and Complaint to \_\_\_\_\_ within \_\_\_\_\_ County, Mississippi. I served the Summons and Complaint on the \_\_\_\_ day of \_\_\_\_\_, 2021, at the usual place of abode of said \_\_\_\_\_ by leaving a true copy of the Summons and Complaint with \_\_\_\_\_, who is the \_\_\_\_\_ (here insert wife, husband, son, daughter or other person as the case may be) a member of the family of the person served above the age of 16 years and willing to receive the Summons and Complaint, and thereafter on the \_\_\_\_ day of \_\_\_\_\_, 2021, I mailed (by first class mail, postage prepaid), a copy to the person served at his or her usual place of abode where the copies were left.

☒ I was unable to serve the Summons and Complaint.

At the time of the service I was at least 18 years of age and not a party to this action.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
SS#: \_\_\_\_\_

I \_\_\_\_\_ served the above Summons and copy of the Complaint on \_\_\_\_\_ in the manner set forth above.

SWORN TO AND SUBSCRIBED before me, on this, the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public

My Commission Expires:

Complaint Company refuse to be serve  
as per company attorney Mitchell Brady (601) 515 2680  
Veronica Y Sanchez (owner) currently out of town. Made contact  
with Maria Banda (person in charge) refuse to take any documents.  
as per company attorney. 12/27/21 1:45 pm.